

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ROBERT JOSEPH WOODS, JR. : CASE NO. 15-12063
Debtor : CHAPTER 13

**ANSWER TO MOTION OF ANN MARIE WOODS N/K/A ANN MARIE PEDONE
FOR RELIEF FROM AUTOMATIC STAY UNDER 362(d) PURSUANT TO
BANKRUPTCY PROCEDURE RULE 4001**

AND NOW comes the Debtor/Respondent, Robert Joseph Woods, Jr., by and through his counsel, Laputka Law Office, who respectfully files the following Answer:

1. Admitted.
2. Admitted.
3. Admitted
4. Admitted in part and denied in part. This Honorable Court's March 29, 2016 Order sent the matter of interpretation of the Property Settlement Agreement, specifically the classification of payments as equitable distribution versus domestic support obligations, back to the Lehigh County Court of Common Pleas.

5. Admitted.
6. Admitted.
7. Admitted.
8. Denied. By way of further answer, the \$20,000 cited by Movant was included in the Chapter 13 petition filed by Debtor on March 26, 2015. Although properly noticed, Movant failed to timely file a Proof of Claim or a complaint to

determine dischargeability. The July 1, 2016 Order from Judge Varricchio clearly states the \$20,000 payment is equitable distribution which is a dischargeable debt in the instant Chapter 13 filing. The additional \$4,500 in legal costs and fees Movant incurred in untimely and inappropriately attempting to manipulate Debtor and the court should be barred from recovery altogether as the underlying equitable distribution default occurred prior to the filing of the instant Chapter 13 petition, and, as such, it is a pre-petition debt, the collection of which was legally stayed by Debtor's filing. Further, any costs or legal fees incurred in the untimely and inappropriate pursuit of a properly scheduled and dischargeable debt, the collectability of which is governed by the Debtor's plan, is not the responsibility of the Debtor.

9. Admitted.

10. Denied. By way of further answer, the Movant has failed to file a Proof of Claim and therefore does not have an interest in the property of the debtor.

11. Denied. By way of further answer, the \$20,000 payment the Movant is seeking to enforce is in the nature of equitable distribution and has become dischargeable and will be paid from proceeds of the Debtor's plan as a general unsecured debt.

12. Denied. By way of further answer, Judge Varricchio's Court Order dated July 1, 2016 clearly states that the \$20,000 is equitable distribution, not a domestic support obligation.

13. Denied. By way of further answer, the Movant failed to timely file either Proof of Claim or the appropriate adversary proceeding pursuant to 11 U.S.C. 523.

14. Denied. By way of further answer, the Debtor made the first payment agreed upon in the Property Settlement Agreement, filed his pending Chapter 13 bankruptcy on the eve of a sheriff sale of personal property, and at no time acted in bad faith.

WHEREFORE, Debtor/Respondent prays this Honorable Court deny the Movant's request for relief.

Respectfully Submitted,

By: /s/ Charles Laputka
Charles Laputka, Esquire
Attorney for Debtor
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Answer to Motion of Ann Marie Woods n/k/a Ann Marie Pedone For Relief from the Automatic Stay was served upon the following individuals via ECF or first-class United States mail, postage prepaid, this 11th day of October, 2016:

Office of the U.S. Trustee
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Philadelphia, PA 19107

Frederick L. Reigle, Esquire
2901 Saint Lawrence Avenue
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Everett Cook, Esquire
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